

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-090345

10/07/2011

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

IN RE THE MARRIAGE OF
CHRISTOPHER MICHAEL MASON

CHRISTOPHER MICHAEL MASON
3525 N SONORAN HEIGHTS
MESA AZ 85207

AND

AMY BETH MASON

M WAYNE LEWIS

MINUTE ENTRY

Courtroom 403 – SEA

Prior to the commencement of today's proceeding, Petitioner's Exhibits 1 through 24, 42 through 45, and Respondent's Exhibits 25 through 41 are marked for identification.

2:29 p.m. This is the time set for Evidentiary Hearing re: Petitioner's Verified Post-Decree Petition to Enforce Court Order and Petition to Modify Child Support. Petitioner is present on his own behalf. Respondent is present and represented by above named counsel.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

The Court has received and reviewed Respondent's Expedited Motion to Compel Discovery Responses and Request for Sanctions Against Petitioner filed on September 6, 2011, Petitioner's response thereto, and Respondent's (Petitioner's) Second Motion to Compel and Request for Sanctions filed on September 22, 2011.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-090345

10/07/2011

After considering Respondent's Expedited Motion to Compel and Petitioner's response thereto,

IT IS ORDERED denying Respondent's Expedited Motion to Compel.

On August 17, 2011, the Court issued an order requiring Respondent to comply, by September 3, 2011, to outstanding discovery requests from Petitioner. The Court further ordered that any sanctions would abide this evidentiary hearing. Petitioner is still complaining that Respondent has not fully complied with his requests.

IT IS ORDERED that the Court will consider the following as sanctions for either party's failure to comply with discovery or disclosure:

To the extent that either party is complaining that a document has not been properly disclosed prior to today's proceeding, unless there is a stipulation on the record, the document will not be received.

If there is an objection to testimony because it is based on information and documentation that should have been properly disclosed, the Court will consider an objection to that testimony.

Christopher Michael Mason and Amy Beth Mason are sworn.

Petitioner's case:

Christopher Michael Mason, previously sworn, now testifies.

Petitioner's Exhibit 1 is offered and received in evidence for demonstrative purposes only.

Petitioner's Exhibits 21, 38, 43, and 44 are offered and received in evidence.

Respondent's Exhibit 32 is offered and received in evidence.

The witness is excused.

Petitioner rests.

Respondent's case:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-090345

10/07/2011

Amy Beth Mason, previously sworn, now testifies.

Respondent's Exhibits 25, 26, 28, 33, 35, 36, 39 and 41 are offered and received in evidence.

Respondent's Exhibits 27 and 34 are offered but are not received in evidence.

Over the objection of Petitioner,

Respondent's Exhibit 40 is offered and received in evidence.

LET THE RECORD REFLECT Petitioner's Exhibit 23 is amended to remove all pages except for page 1.

Petitioner's Exhibit 23 is offered and received in evidence as amended.

The witness is excused.

Respondent rests.

LET THE RECORD REFLECT both parties waive presentation of closing arguments.

IT IS ORDERED taking this matter under advisement.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

Petitioner's Exhibits 2 through 20, 22, 24, 42, 45 and Respondent's Exhibits 29, 30, 31, and 37 are released.

4:20 p.m. Hearing concludes.

FILED: Exhibit Worksheet.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-090345

10/07/2011

ISSUED: Exhibit Release Forms.

All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.